

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. D10:10-CO0015584

Vincente Javellana Jr  
Mary Joyce Javellana

6 Tyburn Court

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 15, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-201, failure to remove stagnant water on pool cover on residential property known as 6 Tyburn Court, 21093.

On June 11, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Rochelle Underwood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for a violation involving stagnant water breeding mosquitoes on a vacant property. BCC Section 3-6-205.

B. Inspector Rochelle Underwood testified that this property is vacant. Photographs in the file show a covered in-ground pool, with the cover filled with a large quantity of stagnant and discolored water. Photographs in the file also show an above-ground pond full of dark green stagnant water.

C. County law requires property owners to maintain the property in a clean and sanitary condition, free from infestation. BCC 35-5-302. A person may not keep, collect, use, or allow to remain on the person's premises nauseous liquid, stagnant water, or other offensive matter. BCC 13-7-201. Stagnant water breeds mosquitoes and is a public health hazard. The County will therefore be authorized to enter the property to correct the violation, at the property owner's expense, as authorized by BCC Article 3, Title 6.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that the County may enter the property for the purpose of abating the violation, including removing the stagnant water and/or treating the water to abate infestation or contamination, at the property owner's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 15<sup>th</sup> day of June 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

MZF/jaf